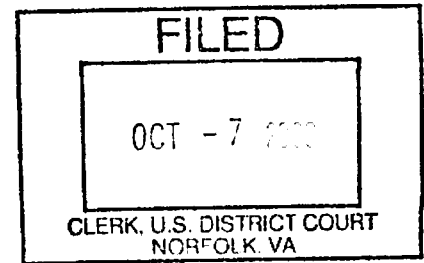


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



STEVE O. ROBINSON,

Plaintiff,

v.

ACTION NO. 4:09cv105

AIG LIFE INSURANCE COMPANY,

Defendants.

ORDER

This matter comes before the court on the Motion to Dismiss, filed by the defendant on August 18, 2009. The matter was referred to a United States Magistrate Judge by order of September 8, 2009, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation was filed on September 15, 2009. The magistrate judge recommended that the defendant's motion to dismiss the complaint be granted with leave to amend with respect to Count One and granted with prejudice with respect to Count Two.


By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the

magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed September 15, 2009. Accordingly, the defendant's motion to dismiss is **GRANTED** with leave to amend the complaint with respect to Count One, and **GRANTED** with prejudice with respect to Count Two.

The Clerk shall forward a copy of this Final Order to all parties of record.

It is so **ORDERED**.

/s/  
Rebecca Beach Smith  
United States District Judge 

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

October 7, 2009